

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
FIRST REGULAR SESSION
14th Legislative Day
Tuesday, February 19, 2013

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend Donald Yegerlehner, Clay City, Indiana (retired).

National Anthem by Rosie Crimp, Kennebunk.

Pledge of Allegiance.

Doctor of the day, Charles Radis, D.O., Portland.

The Journal of Thursday, February 14, 2013 was read and approved.

SENATE PAPERS

Bill "An Act To Streamline the General Permit Process for Tidal Power"

(S.P. 169) (L.D. 437)

Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in concurrence.

Bill "An Act Regarding Timber Harvesting on Land Managed by the Division of Parks and Public Lands"

(S.P. 184) (L.D. 491)

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 75)

STATE OF MAINE
126TH MAINE LEGISLATURE

February 14, 2013

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Pursuant to our authority under Title 12, Chapter 419 §4603 of the Maine Revised Statutes, we have appointed Representative Walter A. Kumiega III of Deer Isle to the Atlantic States Marine Fisheries Commission.

If you have any questions regarding this appointment, please do not hesitate to contact us.

Sincerely,

S/Justin L. Alford

President of the Senate

S/Mark W. Eves

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 76)

STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

February 12, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to Joint Rule 310, the following Joint Standing Committee has voted unanimously to report the following bills out "Ought Not to Pass:"

Taxation

L.D. 10 An Act To Provide a Property Tax Exemption for Family Burying Grounds

L.D. 50 An Act To Exempt Fuel Used in Small Commercial Aircraft from Fuel Sales Tax

L.D. 119 An Act To Exempt from the Use Tax \$1,000 of Internet Purchases from Out-of-state Sellers

The sponsors and cosponsors have been notified of the Committee's action.

Sincerely,

S/Millicent M. MacFarland

Clerk of House

READ and with accompanying papers ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills, Resolves and Resolution were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

AGRICULTURE, CONSERVATION AND FORESTRY

Bill "An Act To Permit Tribal Members To Have Access to Wood Fiber for Fuel, Shelter and Traditional Woodcraft Production"

(H.P. 342) (L.D. 500)

Sponsored by Representative BEAR of the Houlton Band of Maliseet Indians.

Bill "An Act To Increase the Membership of the Land for Maine's Future Board"

(H.P. 343) (L.D. 524)

Sponsored by Representative SHAW of Standish.

Cosponsored by Senator SAVIELLO of Franklin and Representatives: BLACK of Wilton, DILL of Old Town, HICKMAN of Winthrop, MAREAN of Hollis, McCABE of Skowhegan, SAUCIER of Presque Isle, TIMBERLAKE of Turner, Senator: MASON of Androscoggin.

Bill "An Act To Promote Industrial Hemp"

(H.P. 344) (L.D. 525)

Sponsored by Representative HARVELL of Farmington.

Cosponsored by Representative SANDERSON of Chelsea, Senator PLUMMER of Cumberland and Representatives: BENNETT of Kennebunk, CHASE of Wells, HICKMAN of Winthrop, JONES of Freedom, KESCHL of Belgrade, PARRY of Arundel, RUSSELL of Portland, SIROCKI of Scarborough.

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill "An Act To Allow a Municipality To Prohibit a Sex Offender from Residing within 750 Feet of a Recreational Facility"

(H.P. 340) (L.D. 498)

Sponsored by Representative POULIOT of Augusta.

Cosponsored by Senator KATZ of Kennebec and Representatives: FOWLE of Vassalboro, SANDERSON of Chelsea, WILSON of Augusta.

Bill "An Act To Allow for the Disposition of Certain Items Confiscated from Criminals Convicted of Sexual Exploitation of Minors"

(H.P. 345) (L.D. 526)

Sponsored by Representative TYLER of Windham.

Cosponsored by Senator PLUMMER of Cumberland and Representatives: JONES of Freedom, KINNEY of Limington, KNIGHT of Livermore Falls, McCLELLAN of Raymond, PEASE of Morrill.

Bill "An Act To Protect Elders and Vulnerable Adults from Exploitation"

(H.P. 346) (L.D. 527)

Sponsored by Representative DION of Portland.

Cosponsored by Senator CAIN of Penobscot and Representatives: CHIPMAN of Portland, Speaker EVES of North Berwick, FREY of Bangor, GIDEON of Freeport, HERBIG of Belfast, PEOPLES of Westbrook, RANKIN of Hiram, SAUCIER of Presque Isle.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act To Require Parental Consent for a School To Conduct Mental Health or Behavioral Screening on a Student"

(H.P. 347) (L.D. 528)

Sponsored by Representative FITZPATRICK of Houlton.

Cosponsored by Senator BURNS of Washington and Representatives: AYOTTE of Caswell, BLACK of Wilton, DAVIS of Sangerville, ESPLING of New Gloucester, GIFFORD of Lincoln, TIMBERLAKE of Turner, WILLETTE of Mapleton, WILSON of Augusta.

Resolve, Directing the Department of Education To Develop Safety Standards for School Access (EMERGENCY)

(H.P. 348) (L.D. 529)

Sponsored by Representative HARVELL of Farmington.

Cosponsored by Representative AYOTTE of Caswell, Senator SAVIELLO of Franklin and Representatives: BENNETT of Kennebunk, CHASE of Wells, FREDETTE of Newport, McELWEE of Caribou, PARRY of Arundel, POULIOT of Augusta, SANDERSON of Chelsea, SIROCKI of Scarborough.

Bill "An Act To Apply the Standard of Best Educational Interest to Superintendent Agreements for Transfer Students"

(H.P. 349) (L.D. 530)

Sponsored by Representative NELSON of Falmouth.

Cosponsored by Representative KORNFIELD of Bangor, Senator MILLETT of Cumberland and Representatives: DAUGHTRY of Brunswick, HUBBELL of Bar Harbor, KUSIAK of Fairfield, MacDONALD of Boothbay, MONAGHAN-DERRIG of Cape Elizabeth, POULIOT of Augusta, Senator: JOHNSON of Lincoln.

Bill "An Act To Allow Students To Audit Classes at University of Maine System Campuses"

(H.P. 350) (L.D. 531)

Sponsored by Representative SANDERSON of Chelsea.

Cosponsored by Senator LACHOWICZ of Kennebec and Representatives: CASSIDY of Lubec, FREDETTE of Newport, McCLELLAN of Raymond, PETERSON of Rumford, REED of Carmel, SIROCKI of Scarborough.

Bill "An Act To Amend the Laws Governing the Maine State Library"

(H.P. 351) (L.D. 532)

Sponsored by Representative NADEAU of Winslow.

Cosponsored by Senator LACHOWICZ of Kennebec and Representatives: CASSIDY of Lubec, CHENETTE of Saco, FOWLE of Vassalboro, GRAHAM of North Yarmouth, NADEAU of Fort Kent, PEASE of Morrill, SCHNECK of Bangor, Senator: COLLINS of York.

Bill "An Act To Eliminate the Requirement That Local Funding Follow a Pupil to a Charter School"

(H.P. 352) (L.D. 533)

Sponsored by Representative MacDONALD of Boothbay.

Cosponsored by Representatives: DAUGHTRY of Brunswick, DICKERSON of Rockland, GRANT of Gardiner, KRUGER of Thomaston, MASTRACCIO of Sanford, McCABE of Skowhegan, MORIARTY of Cumberland, STUCKEY of Portland.

HEALTH AND HUMAN SERVICES

Bill "An Act To Promote Dental Care for Low-income Populations"

(H.P. 341) (L.D. 499)

Sponsored by Representative HARLOW of Portland.

Cosponsored by Representatives: BROOKS of Winterport, CHIPMAN of Portland, CROCKETT of Bethel, DION of Portland, FARNSWORTH of Portland, GATTINE of Westbrook, MOONEN of Portland, RUSSELL of Portland.

Bill "An Act To Improve Care Coordination for Persons with Mental Illness"

(H.P. 353) (L.D. 534)

Sponsored by Representative PRINGLE of Windham.

Cosponsored by Senator GRATWICK of Penobscot and Representatives: CASSIDY of Lubec, DION of Portland, MALABY of Hancock, POULIOT of Augusta, SANBORN of Gorham, SIROCKI of Scarborough, TYLER of Windham, Senator: CRAVEN of Androscoggin.

Bill "An Act To Promote Greater Flexibility in the Provision of Long-term Care Services"

(H.P. 354) (L.D. 535)

Sponsored by Representative HUBBELL of Bar Harbor.

Cosponsored by Senator LANGLEY of Hancock and Representatives: HARVELL of Farmington, MALABY of Hancock, SIROCKI of Scarborough, STUCKEY of Portland, VOLK of Scarborough.

Bill "An Act To Improve the Efficiency of Use of MaineCare Funds"

(H.P. 355) (L.D. 536)

Sponsored by Representative TIPPING-SPITZ of Orono.

Cosponsored by Senator CRAVEN of Androscoggin and Representatives: FARNSWORTH of Portland, STUCKEY of Portland.

Bill "An Act To Help Maine Residents Receive Private Health Care Insurance"

(H.P. 356) (L.D. 537)

Sponsored by Representative PARRY of Arundel.

Cosponsored by Senator HAMPER of Oxford and Representatives: CASSIDY of Lubec, CHASE of Wells, HARVELL of Farmington, MALABY of Hancock, SANDERSON of Chelsea, SIROCKI of Scarborough, Senators: MASON of Androscoggin, TUTTLE of York.

Bill "An Act To Align Costs Recognized for Transfer of Nursing Facilities and Residential Care Facilities with Ordinary Commercial and Government Contracting Standards"

(H.P. 357) (L.D. 538)

Sponsored by Representative SANDERSON of Chelsea.

Cosponsored by Senator HAMPER of Oxford and Representatives: MALABY of Hancock, PETERSON of Rumford, SIROCKI of Scarborough, Senator: CUSHING of Penobscot.

Bill "An Act To Ensure Parity in the Ability To Counsel Patients"

(H.P. 358) (L.D. 539)

Sponsored by Representative FARNSWORTH of Portland.

Cosponsored by Senator LACHOWICZ of Kennebec and Representatives: GIDEON of Freeport, GOODE of Bangor, WELSH of Rockport, Senator: HASKELL of Cumberland.

INLAND FISHERIES AND WILDLIFE

Bill "An Act To Amend the Laws Governing the Discharge of a Firearm or Crossbow near a Dwelling or Building"

(H.P. 359) (L.D. 540)

Sponsored by Representative SHAW of Standish.

Cosponsored by Senator SAVIELLO of Franklin and Representatives: BRIGGS of Mexico, CHIPMAN of Portland, DION of Portland, PRIEST of Brunswick, TIMBERLAKE of Turner, WILSON of Augusta, Senator: MASON of Androscoggin.

Bill "An Act To Amend the Laws Governing Complimentary Hunting, Trapping and Fishing Licenses for Disabled Veterans"

(H.P. 360) (L.D. 541)

Sponsored by Representative WILSON of Augusta.

Cosponsored by Senator PLUMMER of Cumberland and Representatives: CROCKETT of Bethel, DAVIS of Sangerville, HICKMAN of Winthrop, JOHNSON of Eddington, McCLELLAN of Raymond, PARRY of Arundel, SANDERSON of Chelsea, WILLETTE of Mapleton.

Bill "An Act To Remove the Limit on the Retention of Live Smelts" (EMERGENCY)

(H.P. 361) (L.D. 542)

Sponsored by Representative KESCHL of Belgrade.

Cosponsored by Senator SAVIELLO of Franklin and Representatives: CHASE of Wells, FREDETTE of Newport, KNIGHT of Livermore Falls, SHAW of Standish, WILLETTE of Mapleton, WINSOR of Norway.

Bill "An Act To Create Reciprocity of All-terrain Vehicle Registration with the State of New Hampshire"

(H.P. 362) (L.D. 543)

Sponsored by Representative BRIGGS of Mexico.

Cosponsored by Senator PATRICK of Oxford and Representatives: CAMPBELL of Newfield, DAVIS of Sangerville, ESPLING of New Gloucester, PETERSON of Rumford, SHAW of Standish, WOOD of Sabattus, Senator: JACKSON of Aroostook.

Bill "An Act To Give Certain Landowners First Priority for Antlerless Deer Permits"

(H.P. 363) (L.D. 544)

Sponsored by Representative BRIGGS of Mexico. (BY REQUEST)

Cosponsored by Senator JACKSON of Aroostook and Representatives: AYOTTE of Caswell, DAVIS of Sangerville, PETERSON of Rumford.

Bill "An Act To Enhance the Protection of Native Fish Species"

(H.P. 364) (L.D. 545)

Sponsored by Representative JONES of Freedom.

Cosponsored by Representatives: BOLDUC of Auburn, BROOKS of Winterport, SHORT of Pittsfield, STANLEY of Medway.

INSURANCE AND FINANCIAL SERVICES

Bill "An Act To Improve Transparency and Oversight of the Maine Guaranteed Access Reinsurance Association and To Make Changes Necessary To Comply with Federal Law"

(H.P. 365) (L.D. 546)

Sponsored by Representative TREAT of Hallowell.

Cosponsored by Representatives: BECK of Waterville, GOODE of Bangor, MORRISON of South Portland, Senators: GRATWICK of Penobscot, WOODBURY of Cumberland.

Bill "An Act To Ensure the Accountability of Taxpayer Funds and State Collaboration, Planning and Oversight in the Implementation and Operation of a Health Exchange in Maine"

(H.P. 366) (L.D. 547)

Sponsored by Representative TREAT of Hallowell.

Cosponsored by Senator WOODBURY of Cumberland and Representatives: BEAUDOIN of Biddeford, BERRY of Bowdoinham, Speaker EVES of North Berwick, FARNSWORTH of Portland, GRAHAM of North Yarmouth, MORRISON of South Portland, Senators: CRAVEN of Androscoggin, GRATWICK of Penobscot.

JUDICIARY

Bill "An Act To Amend the Laws Governing the Award of Spousal Support in Divorce Actions"

(H.P. 367) (L.D. 548)

Sponsored by Representative JOHNSON of Eddington.

Cosponsored by Senator YOUNGBLOOD of Penobscot and Representatives: BEAULIEU of Auburn, BENNETT of Kennebunk, CAMPBELL of Orrington, CROCKETT of Bethel.

Bill "An Act To Allow a Person Who Is 21 Years of Age or Older To Expunge Certain Criminal Convictions"

(H.P. 368) (L.D. 549)

Sponsored by Representative WELSH of Rockport.

Cosponsored by Senator PLUMMER of Cumberland and Representatives: LONG of Sherman, McCABE of Skowhegan, Senators: BOYLE of Cumberland, SAVIELLO of Franklin.

Bill "An Act To Require Probate Judges, Registers of Probate and Registers of Deeds To Be Appointed"

(H.P. 369) (L.D. 550)

Sponsored by Representative BROOKS of Winterport.

Cosponsored by Representatives: BEAR of the Houlton Band of Maliseet Indians, EVANGELOS of Friendship, FARNSWORTH of Portland, Senator: WOODBURY of Cumberland.

Bill "An Act To Establish Certification Standards for Guardians Ad Litem"

(H.P. 370) (L.D. 551)

Sponsored by Representative BROOKS of Winterport.

Cosponsored by Representatives: BEAR of the Houlton Band of Maliseet Indians, DION of Portland, EVANGELOS of Friendship, FARNSWORTH of Portland, KORNFIELD of Bangor, MASTRACCIO of Sanford, PETERSON of Rumford, Senator: SAVIELLO of Franklin.

Bill "An Act To Expedite Court Proceedings by Providing Funds for Additional District Court Personnel"

(H.P. 371) (L.D. 552)

Sponsored by Representative BEAVERS of South Berwick.

Cosponsored by Senator YOUNGBLOOD of Penobscot and Representatives: BEAR of the Houlton Band of Maliseet Indians, COOPER of Yarmouth, CROCKETT of Bethel, JORGENSEN of Portland, KNIGHT of Livermore Falls, MITCHELL of the Penobscot Nation, NEWENDYKE of Litchfield, VILLA of Harrison.

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Remove the Statement of Oral Condition as a Requirement for Denturists Making Partial Dentures"

(H.P. 372) (L.D. 553)

Sponsored by Representative SHAW of Standish.

Cosponsored by Representative: SIROCKI of Scarborough.

Resolve, Requiring the Department of Economic and Community Development To Market the Positive Attributes of the State of Maine

(H.P. 373) (L.D. 554)

Sponsored by Representative BEAVERS of South Berwick.

Cosponsored by Senator CLEVELAND of Androscoggin and Representatives: CAMPBELL of Newfield, GILBERT of Jay, GRANT of Gardiner, MASTRACCIO of Sanford, MORRISON of South Portland, VOLK of Scarborough, WINCHENBACH of Waldoboro, Senator: COLLINS of York.

Resolve, Directing the Nursing Home Administrators Licensing Board To Amend Its Rules To Permit Certain Registered Nurses To Serve as Administrators of Nursing Facilities and To Change Provisions Governing Continuing Education Requirements

(H.P. 374) (L.D. 555)

Sponsored by Representative SANDERSON of Chelsea.

Cosponsored by Senator HAMPER of Oxford and Representatives: GATTINE of Westbrook, HARVELL of Farmington, MALABY of Hancock, PETERSON of Rumford, SIROCKI of Scarborough, Senator: CUSHING of Penobscot.

Bill "An Act To Modernize the Statutes Governing Physician Assistants"

(H.P. 375) (L.D. 556)

Sponsored by Representative MASTRACCIO of Sanford.

Cosponsored by Senator GRATWICK of Penobscot and Representatives: DION of Portland, HERBIG of Belfast, KORNFIELD of Bangor, McCABE of Skowhegan, SANBORN of Gorham, SIROCKI of Scarborough, VOLK of Scarborough, WINCHENBACH of Waldoboro.

MARINE RESOURCES

Bill "An Act To Change the Age at Which a Person Qualifies for a Fee Reduction for a Lobster and Crab Fishing License"

(H.P. 376) (L.D. 557)

Sponsored by Representative RYKERSON of Kittery.

Cosponsored by Representatives: BEAVERS of South Berwick, CAMPBELL of Newfield, HERBIG of Belfast, LUCHINI of Ellsworth, SAUCIER of Presque Isle, SCHNECK of Bangor, WELSH of Rockport.

STATE AND LOCAL GOVERNMENT

Resolve, To Erect a State Monument to Franco-Americans

(H.P. 377) (L.D. 558)

Sponsored by Representative FREDETTE of Newport.

Cosponsored by Senator LANGLEY of Hancock and Representatives: GILBERT of Jay, KESCHL of Belgrade, NADEAU of Fort Kent, POULIOT of Augusta, THERIAULT of Madawaska, WILLETTE of Mapleton, Senator: TUTTLE of York.

Bill "An Act To Change Document Filing Fees for County Registries of Deeds"

(H.P. 378) (L.D. 559)

Sponsored by Representative MORRISON of South Portland.

Cosponsored by Representatives: BEAUDOIN of Biddeford, BEAVERS of South Berwick, BENNETT of Kennebunk,

CAMPBELL of Newfield, CASAVANT of Biddeford, KAENRATH of South Portland, MASTRACCIO of Sanford.

Bill "An Act To Establish Maine Seniors Day"

(H.P. 379) (L.D. 560)

Sponsored by Representative CAMPBELL of Orrington.

Cosponsored by Senator BOYLE of Cumberland and Representatives: BROOKS of Winterport, HARLOW of Portland, REED of Carmel, Senators: CAIN of Penobscot, GRATWICK of Penobscot, SAVIELLO of Franklin, WOODBURY of Cumberland, YOUNGBLOOD of Penobscot.

TAXATION

Bill "An Act To Support Maine Farms and Alleviate Hunger"

(H.P. 380) (L.D. 561)

Sponsored by Representative STUCKEY of Portland.

Cosponsored by Representatives: DION of Portland, HICKMAN of Winthrop, Senators: President ALFOND of Cumberland, HASKELL of Cumberland, JACKSON of Aroostook, LACHOWICZ of Kennebec.

Bill "An Act Related to Service Charges in Lieu of Property Taxes on Tax-exempt Property"

(H.P. 381) (L.D. 562)

Sponsored by Representative WILSON of Augusta.

Cosponsored by Senator KATZ of Kennebec and Representatives: HAYES of Buckfield, POULIOT of Augusta, SHAW of Standish, Senator: HASKELL of Cumberland.

Bill "An Act To Clarify Tax Increment Financing"

(H.P. 382) (L.D. 563)

Sponsored by Representative ROCHELO of Biddeford.

Cosponsored by Senator DUTREMBLE of York and Representatives: BERRY of Bowdoinham, CASAVANT of Biddeford, HERBIG of Belfast, HOBBS of Saco, KNIGHT of Livermore Falls, LIBBY of Lewiston, Senator: VALENTINO of York.

TRANSPORTATION

Resolve, To Allow Maine Drivers To Use Bioptic or Telescopic Spectacles When Driving Class C Motor Vehicles and When Testing for a Class C Driver's License

(H.P. 383) (L.D. 564)

Sponsored by Representative MASON of Topsham.

Cosponsored by Senator CLEVELAND of Androscoggin and Representatives: COOPER of Yarmouth, GATTINE of Westbrook, HICKMAN of Winthrop, SAUCIER of Presque Isle, SCHNECK of Bangor, VOLK of Scarborough.

Resolve, To Establish a Task Force To Study the Feasibility of Imposing Tolls on Interstate 95

(H.P. 384) (L.D. 565)

Sponsored by Representative BOLDUC of Auburn.

Resolve, To Enhance and Encourage Economic Development of the Lower Penobscot River Basin by Improving Rail Transportation

(H.P. 385) (L.D. 566)

Sponsored by Representative CAMPBELL of Orrington.

Cosponsored by Representatives: FREDETTE of Newport, GILLWAY of Searsport, VEROW of Brewer, Senators: COLLINS of York, YOUNGBLOOD of Penobscot.

Bill "An Act To Amend the Definition of 'Special Mobile Equipment' in the Motor Vehicle Laws"

(H.P. 386) (L.D. 567)

Sponsored by Representative MAKER of Calais. (BY REQUEST)

Cosponsored by Senator BURNS of Washington.

Resolve, To Name Bridge Number 2975 in Kenduskeag the Kenduskeag Veterans Bridge

(H.P. 387) (L.D. 568)

Sponsored by Representative GUERIN of Glenburn.

Cosponsored by Senator CUSHING of Penobscot.

Resolve, To Study the Impact of Higher Maine Turnpike Tolls on Workers, Businesses and Economic Development (EMERGENCY)

(H.P. 388) (L.D. 569)

Sponsored by Representative BOLDUC of Auburn.

Bill "An Act To Create a Vintage Car Category in the Motor Vehicle Laws"

(H.P. 389) (L.D. 570)

Sponsored by Representative COTTA of China.

Cosponsored by Senator KATZ of Kennebec and Representatives: CASAVANT of Biddeford, HOBBS of Saco, KESCHL of Belgrade, KRUGER of Thomaston, NUTTING of Oakland.

Resolve, To Require Signs Recognizing the 45th Parallel North in Maine

(H.P. 390) (L.D. 571)

Sponsored by Representative PEAVER HASKELL of Milford.

Cosponsored by Senator YOUNGBLOOD of Penobscot and Representatives: JOHNSON of Eddington, TURNER of Burlington, Senator: CAIN of Penobscot.

VETERANS AND LEGAL AFFAIRS

Bill "An Act Regarding Games of Chance Operated by Snowmobile Clubs"

(H.P. 391) (L.D. 572)

Sponsored by Representative SHAW of Standish.

Cosponsored by Senator SAVIELLO of Franklin and Representatives: CRAFTS of Lisbon, DAVIS of Sangerville, EVANGELOS of Friendship, GIFFORD of Lincoln, JOHNSON of Eddington, KESCHL of Belgrade, SAUCIER of Presque Isle, THERIAULT of Madawaska.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict the Voting Privileges of Persons Incarcerated for Murder or Class A Crimes

(H.P. 392) (L.D. 573)

Sponsored by Representative KNIGHT of Livermore Falls.

Cosponsored by Senator PLUMMER of Cumberland and Representatives: BEAULIEU of Auburn, CAMPBELL of Newfield, FOWLE of Vassalboro, KINNEY of Limington, MARKS of Pittston, SAUCIER of Presque Isle, SCHNECK of Bangor, Senator: MASON of Androscoggin.

Bill "An Act To Amend the Laws Governing Reapportionment To Conform to the Constitution of Maine"

(H.P. 393) (L.D. 574)

Sponsored by Representative LUCHINI of Ellsworth.

Cosponsored by Senator TUTTLE of York.

Bill "An Act To Amend the Laws Relating to Radon Testing"

(H.P. 394) (L.D. 575)

Sponsored by Representative LONGSTAFF of Waterville.

Cosponsored by Senator WHITEMORE of Somerset and Representatives: BECK of Waterville, NADEAU of Winslow.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

CONSENT CALENDAR First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 85) (L.D. 103) Bill "An Act To Correct an Inconsistency in Maine's Apprenticeship Laws" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 94) (L.D. 112) Bill "An Act To Make Changes to the Educators for Maine Program" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 95) (L.D. 113) Bill "An Act To Make Changes to the Maine College Savings Program" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

CONSENT CALENDAR Second Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(H.P. 4) (L.D. 2) Resolve, Regarding Legislative Review of Portions of Chapter 252: Rules Governing Certification of Seed Potatoes in the State of Maine, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry (EMERGENCY)

(H.P. 24) (L.D. 26) Bill "An Act To Authorize the Commissioner of Inland Fisheries and Wildlife To Change a Fishing Season Opening Date Statewide"

No objections having been noted at the end of the Second Legislative Day, the House Papers were **PASSED TO BE ENGROSSED** and sent for concurrence.

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, February 14, 2013, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Establish a Veteran-to-farmer Training Pilot Program"

(H.P. 284) (L.D. 409)

(Committee on **VETERANS AND LEGAL AFFAIRS** suggested) TABLED - February 12, 2013 (Till Later Today) by Representative LUCHINI of Ellsworth.
PENDING - **REFERENCE**.

Subsequently, on motion of Representative LUCHINI of Ellsworth, the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, ordered printed and sent for concurrence.

SENATE PAPERS

Bill "An Act To Authorize a General Fund Bond Issue To Invest in Transportation, Broadband Infrastructure, Downtown Revitalization, Land for Maine's Future Board and Training Facilities for Tourism-related Training in Labor Market Areas with Higher-than-average Unemployment"

(S.P. 203) (L.D. 513)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

Bill "An Act To Allow County Jails To Apply Savings to Debt Service without a Reduction in State Payments"
(S.P. 192) (L.D. 502)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Change the Budget Approval Process for Alternative Organizational Structures"

(S.P. 211) (L.D. 521)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Resolve, To Ensure That Standards for Performance-based Contracts for Individuals with Intellectual Disabilities Include All Employment Options

(S.P. 189) (L.D. 496)

Resolve, Directing the Department of Health and Human Services To Amend Its Rules To Improve the Oral Health Education of Children

(S.P. 197) (L.D. 507)

Bill "An Act Regarding the Annual Service Fee for Child Support Services Provided by the Department of Health and Human Services"

(S.P. 205) (L.D. 515)

Bill "An Act To Restore Funding for Head Start"

(S.P. 207) (L.D. 517)

Bill "An Act To Protect Maine Consumers from Predatory Medical Pricing"

(S.P. 210) (L.D. 520)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act To Allow Boards and Associations of Lakes and Ponds To Stock Fish"

(S.P. 204) (L.D. 514)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

Resolve, Directing the Bureau of Insurance To Amend Its Rules Pertaining to Medicare Advantage Plans (EMERGENCY)

(S.P. 196) (L.D. 506)

Bill "An Act To Require Health Insurance Coverage for Hearing Aids for Adults"

(S.P. 213) (L.D. 523)

Came from the Senate, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

Bill "An Act To Amend the Limited Liability Company Laws"

(S.P. 193) (L.D. 503)

Bill "An Act To Amend the Guardian Ad Litem Laws"

(S.P. 212) (L.D. 522)

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

REFERRED to the Committee on **JUDICIARY** in concurrence.

Bill "An Act To Exempt Certain Supervised Medical Assistants from Licensing under the Medical Radiation Health and Safety Laws"

(S.P. 199) (L.D. 509)

Came from the Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

Bill "An Act To Move Maine's Elver Fishery towards Sustainability"

(S.P. 190) (L.D. 497)

Came from the Senate, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

REFERRED to the Committee on **MARINE RESOURCES** in concurrence.

Bill "An Act Regarding Maine Commercial Motor Carrier Safety Regulations"

(S.P. 187) (L.D. 494)

Bill "An Act Regarding Enforcement of Commercial Vehicle Laws"

(S.P. 191) (L.D. 501)

Came from the Senate, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** in concurrence.

Bill "An Act To Amend the Election Laws and Other Related Laws"

(S.P. 194) (L.D. 504)

Bill "An Act To Remove the Disqualification of Full-time Law Enforcement Officers from Obtaining a Liquor License"

(S.P. 198) (L.D. 508)

Bill "An Act To Ensure Equity in Funding to State Postsecondary Institutions of Higher Learning"

(S.P. 200) (L.D. 510)

Bill "An Act To Implement the National Popular Vote for President"

(S.P. 201) (L.D. 511)

Bill "An Act To Establish Ranked-choice Voting in the State"

(S.P. 208) (L.D. 518)

Bill "An Act To Establish Advance Deposit Wagering for Harness Racing"

(S.P. 209) (L.D. 519)

Came from the Senate, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

The following items were taken up out of order by unanimous consent:

SENATE PAPERS

Resolve, To Protect Concealed Handgun Permit Information on a Temporary Basis (EMERGENCY)

(S.P. 214) (L.D. 576)

Committee on **JUDICIARY** suggested and ordered printed.

Came from the Senate, under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Resolve **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-2)**.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Thank you, Mr. Speaker. Being very concerned about the moratorium and the process that's being followed here in the House, though I support the bill itself, I do not support the process. I object.

The SPEAKER: Will the Representative please defer? Does the Representative object to the First Reading?

Representative **BROOKS**: Mr. Speaker, I think.

Representative **BROOKS** of Winterport **OBJECTED** to suspending the rules in order to give the Resolve its **FIRST READING WITHOUT REFERENCE** to a Committee.

The SPEAKER: The Representative from Winterport, Representative Brooks, has objected. The Chair will cite Joint Rule 308, Reference of Bills to Committee. "All bills and resolves must be referred to committee, except that this provision may be suspended by a majority vote in each chamber."

The Chair ordered a division on the motion to suspend the rules in order to give the Resolve its **FIRST READING WITHOUT REFERENCE** to a Committee.

Representative **HARLOW** of Portland **REQUESTED** a roll call on the motion to suspend the rules in order to give the Resolve its **FIRST READING WITHOUT REFERENCE** to a Committee.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Suspend the rules in order to give the Resolve its First Reading without Reference to a Committee. All those in favor will vote yes, those opposed will vote no. The Chair would inquire the purpose the Representative rises.

Representative **BROOKS**: Mr. Speaker, Point of Order. I'm not absolutely certain that I understand the issue or the vote we are actually taking at this time. Could you explain to us what a yea vote and a nay vote is?

On **POINT OF ORDER**, Representative **BROOKS** of Winterport asked the Chair to clarify the question that the roll call was ordered on.

The SPEAKER: A yea vote means that you are in favor of giving this bill its First Reading without reference to committee.

The Chair advised Representative **BROOKS** of Winterport that a yea vote would be in favor of giving this Resolve its **FIRST READING WITHOUT REFERENCE** to a Committee.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Thank you very much, Mr. Speaker, and thank you for your indulgence on this. I'm not sure I understand what the negative vote is. I move to object to the process, not to giving it its First Reading.

The SPEAKER: The Chair would answer the Representative's question. A yea vote is accepting the First Reading; a nay vote is not, subsequent reference to committee. There will be an opportunity to speak to that point in a future motion.

ROLL CALL NO. 1

YEA - Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Briggs, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chase, Chenette, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Farnsworth, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harvell, Herbig, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jorgensen, Keschl, Kinney, Kornfield, Kruger, Lajoie, Libby A, Libby N, Lockman, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McLean, Monaghan-Derrig, Moriarty, Nadeau A, Nadeau C, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Brooks, Chapman, Chipman, Cooper, Dickerson, Evangelos, Harlow, Hayes, Hickman, Jones, Kaenrath, Kusiak, Moonen, Morrison, Russell.

ABSENT - Ayotte, Boland, Bolduc, Clark, Devin, Fitzpatrick, Kent, Knight, Kumiega, Long, McGowan, Nelson.

Yes, 124; No, 15; Absent, 12; Excused, 0.

124 having voted in the affirmative and 15 voted in the negative, with 12 being absent, and accordingly under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Resolve was **READ ONCE**.

Representative **BERRY** of Bowdoinham moved that further reading of the Resolve be dispensed with.

Representative **JONES** of Freedom **OBJECTED** to dispensing with further reading of the Resolve.

The Chair ordered a division on the motion to dispense with further reading of the Resolve.

Representative **HARLOW** of Portland **REQUESTED** a roll call on the motion to dispense with further reading of the Resolve.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is to dispense with further reading of the Resolve. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 2

YEA - Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Briggs, Campbell J, Campbell R, Carey, Casavant, Chase, Chenette, Cotta, Crafts, Cray, Crockett, Davis, Dill, Dion, Doak, Duprey, Espling, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert,

Gillway, Goode, Graham, Grant, Guerin, Harvell, Herbig, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Keschl, Kinney, Kornfield, Kruger, Lajoie, Libby A, Libby N, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mastraccio, McCabe, McClellan, McElwee, McLean, Monaghan-Derrig, Moriarty, Nadeau A, Nadeau C, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor.

NAY - Brooks, Cassidy, Chapman, Chipman, Cooper, Daughtry, DeChant, Dickerson, Dorney, Dunphy, Evangelos, Farnsworth, Gifford, Hamann, Harlow, Hayes, Hickman, Jones, Jorgensen, Kaenrath, Kusiak, Lockman, Longstaff, Mason, Moonen, Morrison, Russell, Rykerson, Stuckey, Villa, Wood, Mr. Speaker.

ABSENT - Ayotte, Boland, Bolduc, Clark, Devin, Fitzpatrick, Kent, Knight, Kumiega, Long, McGowan, Nelson.

Yes, 107; No, 32; Absent, 12; Excused, 0.

107 having voted in the affirmative and 32 voted in the negative, with 12 being absent, and accordingly further reading of the Resolve was dispensed with.

Senate Amendment "A" (S-2) was **READ** and **ADOPTED**.

Under suspension of the rules, the Resolve was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Representative **RUSSELL** of Portland **PRESENTED House Amendment "A" (H-1)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, before us today is a bill to address the Right to Know law and I think that if we're going to address that and we're going to put a moratorium on it, that we should extend that to business licenses, hunting licenses, and fishing licenses. If we are going to do a Right to Know moratorium, then we should be looking at a much broader group of individuals who have licenses and permits that also fall under this. So that's my amendment and I hope you vote for it. I'm asking for a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-1)**.

Fewer than one-fifth of the members present expressed a desire for a roll call which was not ordered.

Representative **BERRY** of Bowdoinham moved that **House Amendment "A" (H-1)** be **INDEFINITELY POSTPONED**.

Representative **HARLOW** of Portland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1)**.

Fewer than one-fifth of the members present expressed a desire for a roll call which was not ordered.

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1)**.

A vote of the House was taken. 113 voted in favor of the same and 21 against, and accordingly **House Amendment "A" (H-1)** was **INDEFINITELY POSTPONED**.

Subsequently, the Resolve was **PASSED TO BE ENGROSSED as Amended by Senate Amendment "A" (S-2)** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

ENACTORS

Emergency Measure

Resolve, To Protect Concealed Handgun Permit Information on a Temporary Basis

(S.P. 214) (L.D. 576)

(S: "A" S-2)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Last week, we became aware of a FOIA request regarding concealed weapons permits and as a result of that event, a series of events occurred whereby leadership in both bodies, in the House and the other body, Democrats and Republicans alike, came together to bring this measure before the House and the other body today with the help of our Chief Executive in the executive branch. Mr. Speaker, I appreciate the hard work of the effort that has been put into this. I ask people to support this measure and I ask for a roll call.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Wilson.

Representative **WILSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to just take a moment to speak about the bill that has been put forth, if I could. This is really not a partisan issue. This is quite bipartisan. I just wanted to share a quick story from a woman that sent me an email. Basically, she, about seven years ago, was involved in a domestic violence case, and she ultimately made the decision to leave her husband and she relocated to a different area which, coincidentally, happens to be within my district. She wrote to me thanking me for putting forth a separate and unrelated bill to this. Basically, what she cited was that she feared that if this information had been released, if her ex-husband was aware that this information could have been released, he would have known not just where she lives, he would have known that she had a firearm, which she cited would have made it much more dangerous because he would have shown up, potentially at her house, knowing where she lived. But knowing that she had a firearm, he likely would have brought a firearm to protect himself as well. So she felt that her life would have been at risk had he known that this information existed. Without getting into the nuts and bolts, because I know other people want to speak on this LD, I would just like to lastly raise that we choose which information is publically released and what isn't already. Currently, under state statute, we have over 300 exemptions on the books for various different reasons and I would hope to see that this one would pass as well. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in support of the pending measure. I am glad that Democrats and Republicans could come together to provide some breathing room around this highly sensitive issue and provide this temporary shield. I personally feel that this will allow us to thoroughly and carefully evaluate this complex matter. I think this measure deserves all our support. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to try to go on record and make the record absolutely straight for some of my comments and some of the motions that I made earlier today. Many years ago, I worked with Russ Wiggins, who was then the editor and owner of the *Ellsworth American*, a former diplomat, Washington, D.C., and Marshall Stone as they wrote the Right to Know law. I had really not much in a part in it, but I worked with these two geniuses who were putting together a law that has been on the books now for a long time. I think it has protected the public for which it was intended, so don't expect me to stay in my seat if there is ever, ever an opportunity to try to privatize or make confidential things that are in there. What I objected to this morning wasn't so much that. I'll get to that when we bring up the bill on around April 1. What I objected to this morning was the speed with which this was being handled. I objected to it because I wanted not just those people who have called me in the past 72 hours, most of whom were people with gun permits, to have their opportunity to air their feelings, to me, as a legislator, I wanted other people, I wanted the public to come up here. I wanted 151 of us to have the opportunity to debate this. I wanted 35 members of the other body to have the opportunity to debate this.

I see now and I understand why you want to make a moratorium out of this, so that nothing happens between now and April 1. I stand here telling you that's the piece that I still object to. From what I understand, that there are newspapers, true or false, I don't know, that already have this list, threatening to publish it sometime in the very near future. I don't believe that this moratorium that we establish, and I have no doubt that it will be established and will go to the Chief Executive for his signature hopefully today, that will ultimately become law here. But these newspapers will not be grandfathered and if there is a list out there, it will then be published. My only concern is we have rushed through a bill that even as of last night people found constitutional problems with it and found that it also barred police from having access to this. There may be other unintended consequences in this legislation. I wish you well. I will still vote against this, but only because of the moratorium and not because of the bill itself. I think you can count me on April 1 voting for the bill. This one has been rushed way too fast. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Buckfield, Representative Hayes.

Representative **HAYES**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative **HAYES**: Mr. Speaker, in current statute suggests that this was not an oversight. There is a specific confidentiality provision for all the application information, for applicants, for concealed weapons permits. Then the following paragraph specifically states that the issuing authority shall make a permanent record of each permit to carry concealed firearms in a suitable book or file kept for that purpose, and that the record shall include the information contained in the permit itself and shall be available for public inspection, which suggests that some prior body, in making this decision, made a deliberate outcome to make that information public. My question is, is there anybody who can tell us the legislative intent of that separation so that setting the application information is confidential but the permit information as being public record?

The SPEAKER: The Representative from Buckfield, Representative Hayes, has posed a question through the Chair to

anyone who may care to respond. The Chair recognizes the Representative from Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Let me be perfectly clear about this bill. This is not a Second Amendment bill. This is a First Amendment bill. First, let me tell you this is not an emergency in the context of the Maine State Constitution. This is a political emergency, okay? Those of you that sit on Inland, Fisheries and Wildlife and have received 1,500 to 2,000 emails about rubber worms for bass fishing, that's not a crisis, nor is this, okay? This is not a Second Amendment issue. This is a Freedom of Access Act issue. What we're asking this body to do is to suspend First Amendment rights of transparency in our government to solve a nonexistent constitutional emergency. We're using this as a political football, okay, not as an actual question of safety, wellbeing, or the health of our citizens, okay? Subjects of such great moment, okay, which are restricting the rights of access of our citizens to our governmental records. Subjects of moments such as these should be deliberated carefully, okay, and citizens should be allowed to speak to their legislators and have their voices heard directly on those matters. This process is fundamentally flawed and I would urge you please to reconsider supporting this measure.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand before you today in support of LD 576. I'm not going to go on with the speech that I have written, but I want to thank Senator Jackson and Representative McCabe for coming forward with the Chief Executive to support this bill in a bipartisan way, and I look forward for us moving forward with the other bills that will come on later on in the process. Thank you.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I believe, as many of you know, very strongly in government transparency and anything that government does should be transparent to the public, however, I also believe very strongly in personal privacy. When we talk about constitutionality of this bill, how constitutional is it for us to have to sign up onto a database in order to carry a concealed weapon, when that right is affirmed to us under the Second Amendment of the U.S. Constitution, as well as in our Maine State Constitution when that says *and that right shall never be questioned*? We're asking permission to do something that we've been granted to do, so this is an issue of personal privacy. It also is a matter of public safety. If we publish these lists, if these lists are published, are we going to have happen here in the State of Maine what happened down in New York? Are we going to be creating a shopping list for those who would seek to gain possession of firearms through illegal means? You're going to have a name, you're going to have an address, you may have a date of birth on these records. It is a matter of public safety. As the good Representative from Augusta said, what about a woman who moves into a new area with three children seeking a safer place to live from someone who would do her harm, and, all of the sudden, now her name is published on a list with her address and they are able to find her? These are very important issues when it comes to this list. I appreciate the leadership of both bodies who have helped sponsor this and also the amendment on it to keep this open for law enforcement, for law enforcement are the people who should have access to this list. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to point out for the record that we are voting for a bill today that would limit the public's right to know and we are doing so without a public hearing. This is a bad public process, precisely because there has not been a public process. I also wanted an opportunity to allow the public to weigh in on this. Just as Representative Brooks stated, it is this part that I staunchly oppose. I will vote for the 60 days today, but I would like the record to show that this is not a good process. We are much better than this.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Harlow.

Representative **HARLOW**: Thank you, Mr. Speaker. Without being too redundant, this is a public right to know issue, not a gun issue. We've proven today, or we're getting ready to prove, that we can expedite anything that we want, so if we really wanted this moratorium and we wanted to have the public really be able to weigh in, we could have expedited the public hearing process so that we could have had a public hearing for this moratorium, this week, and had a work session that day and people would have had a chance to voice their opinion at least. We're just rushing through this process. I'm not exactly sure why an extra day would matter. I've just started getting emails this morning about this issue. I have had about one email before this morning. I think that this is also, and I would agree with the good Representative from Chelsea, that this is an important issue that we should be discussing, the gun issue, and so is the moratorium. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Sangerville, Representative Davis.

Representative **DAVIS**: Thank you, Mr. Speaker. I want to thank you and all the leadership for bringing this forward. I appreciate this. With all respect to one of the previous speakers, I had a call at my home the other night from a woman who happens to be in the real estate business, and she was terrified that her name and address as a concealed weapon's owner would be put in the papers, absolutely terrified. She sells real estate. She goes to remote areas all over the state and sometimes, most always, she goes with complete strangers, doesn't know them, and she definitely does not want her name out there as a concealed weapons owner. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It's not very often that we get a chance to correct a wrong in this body so swiftly, and with all due respect to those who think that this needs to take time, we are going to have time down the road. But right now, there are dozens of people that have been involved in domestic violence situations, that probably haven't been sleeping this weekend for fear that they can wake up and find out that their stalker, or if you are a police officer that has concealed weapons that needs to protect, someone that they may have arrested in the past, now we know where they live and their residence. We want gun owners in the state, over and over again, to take a path exactly like this so that the police will know where these guns are and that they will be the most trained citizen out there to use guns and will have gone through the most extensive training, and if we put up roadblocks to this, we aren't likely to get those outcomes in any greater way. Everybody in this room pretty much has a computer on their desk. It isn't just that a newspaper can get this anymore. This thing can go viral in a minute and the

very unintended consequences can be that those whose names don't want to be made known, can they be made known, so let's give the citizens of this state a chance to sleep tonight knowing we did the right thing.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to thank leadership on both sides of the aisle for this bill and I would request a roll call vote now on LD 576. I think it's a good bill and I want to thank both sides of the aisle for coming together. Thank you.

The SPEAKER: A roll call is already in order. The Chair recognizes the Representative from Rockland, Representative Dickerson.

Representative **DICKERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to thank whoever made the amendment. There was language for the record in this original moratorium. A person who has received information that is confidential pursuant to this section may not redistribute or disseminate the information to a person who is not authorized to receive the information. I saw this come across my computer this weekend and had some questions about it and did some work with some other members, and I think some other individuals had some questions about this as well. These were First Amendment questions concerning dissemination of information in the press and it seemed prudent that rather than wading into a First Amendment debate in this setting, that perhaps this kind of amendment should be suggested. So I thank the individuals who did that. I still have some questions about these sorts of issues concerning this moratorium and I am very concerned about the fact that no public process has been engaged in and we are moving so quickly without time for the public to weigh in. Because we haven't looked at the cascading impact on some of the other rights outside of Second Amendment rights and outside of this issue, I am still very hesitant about what's in front of us, but I do thank the people who put in that amendment.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Crafts.

Representative **CRAFTS**: Thank you, Mr. Speaker. I do want to thank the leadership for bringing this forth and I quite don't understand where some of the body has a problem with this process. I think that we do have a bill in place that's going to debate this and have public hearings, and this is just to give us some time to find out if this is the right thing to do. So again, I hope that this body goes ahead and comes together and passes this. I do thank the other body for sending this down to us and this is the time that we can show the citizens of Maine that we do uphold their rights. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 3

YEA - Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Briggs, Campbell J, Campbell R, Carey, Casavant, Cassidy, Chase, Chenette, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harvell, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson D, Johnson P, Jorgensen, Kaenrath, Keschl,

Kinney, Kornfield, Kruger, Kusiak, Lajoie, Libby A, Libby N, Lockman, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McLean, Monaghan-Derrig, Moriarty, Nadeau A, Nadeau C, Newendyke, Noon, Nutting, Parry, Pease, Peavey Haskell, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Saxton, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Treat, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Boland, Brooks, Chapman, Chipman, Cooper, Dickerson, Harlow, Hayes, Jones, Moonen, Morrison.

ABSENT - Ayotte, Bolduc, Clark, Devin, Fitzpatrick, Kent, Knight, Kumiega, Long, McGowan, Nelson.

Yes, 129; No, 11; Absent, 11; Excused, 0.

129 having voted in the affirmative and 11 voted in the negative, with 11 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

On motion of Representative BROOKS of Winterport, the House adjourned at 1:16 p.m., until 10:00 a.m., Thursday, February 21, 2013.